

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

ALLEN LEE DAVISON

PLAINTIFF

v.

Civil No. 6:18-CV-06101

JOSHUA A. MERRITT

DEFENDANTS

ORDER

This is a civil rights action filed by the Plaintiff pursuant to 42 U.S.C. § 1983. Plaintiff proceeds *pro se* and *in forma pauperis*. Currently before the Court is Defendant's Motion to Stay Discovery. (ECF No. 18).

In this Motion, Defendant argues discovery in this matter should be stayed until the Court rules on Defendant's pending Motion for Summary Judgment, which argues that Plaintiff failed to exhaust his administrative remedies for his claims. Specifically, Defendant asserts that, if granted, his Motion will likely terminate the case. Therefore, according to Defendant, a stay of discovery at this stage will promote judicial efficiency and prevent unnecessary expenditure of time and resources by the parties.

Pursuant to Federal Rule of Civil Procedure 26(c), "[t]he Court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense" of discovery. The party seeking the protective order or stay bears the burden of demonstrating good cause for issuance of the order. *See General Dynamics Corp. v. Selb. Manufacturing. Co.*, 481 F.2d 1204, 1212 (8th Cir. 1973). The Court must also consider the hardship granting the protective order might cause the non-moving party. *Id.* The trial court has particularly broad discretion in determining discovery disputes. *See Hofer v. Mack Trucks Inc.*, 981 F.2d 377, 381-2 (8th Cir. 1992).

I find Defendant has demonstrated sufficient cause to warrant a temporary stay of discovery in this matter. The Court does not need any additional facts in order to rule on Defendants' Motion for Summary Judgment. Further, Plaintiff will not be prejudiced by this stay as he will be able to conduct discovery, if necessary, once the Motion for Summary Judgment is ruled upon.

Accordingly, Defendant's Motion to Stay Discovery (ECF No. 18) is hereby **GRANTED**. If the Motion for Summary Judgment is denied in whole or in part, Defendant will have sixty (60) days from the date of the Order Denying the Motion to complete discovery.

IT IS SO ORDERED this 13th day of December 2018.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE